FILED
MAY 27 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,

v.

Pedro ALCAZAR Defendant.

Mag. Case No. '08 MJ 8471

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Deported Alien Found In the
United States

The undersigned complainant being duly sworn states:

On or about May 24, 2008, within the Southern District of California, defendant Pedro ALCAZAR, an alien, who previously had been excluded, deported or removed from the United States to Honduras was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27th DAY OF MAY 2008.

Peter C. Lewis
United States Magistrate Judge

I, Senior Border Patrol Agent Mikuski declare under penalty of Perjury, the following is true and correct:

PROBABLE CAUSE STATEMENT

The complainant states that this complaint is based upon the investigative reports of Border Patrol Agent E. De Vries, that the Defendant, Pedro ALCAZAR, a citizen of Mexico was found and arrested on May 24, 2008, near Ocotillo, California.

On May 24, 2008, at approximately 11:24 A.M., Agent E. Acosta was performing his assigned Border Patrol Duties near Ocotillo, California when he encountered an individual, later identified as Pedro ALCAZAR, eastbound on Interstate 8, near Ocotillo, California. As Agent Acosta approached ALCAZAR he identified himself and questioned ALCAZAR. It was determined ALCAZAR is a citizen of Mexico illegally in the United States. ALCAZAR was arrested and transported to the Imperial California Border Patrol Station.

At the Station, a record check of ALCAZAR revealed he was previously ordered removed from the United States on April 26, 1994. A further record check revealed ALCAZAR has a serious criminal record.

Agent F. Guzman witnessed Agent De Vries read ALCAZAR his rights per Miranda. ALCAZAR stated he understood his rights and was willing to speak with agents without the presence of an attorney. ALCAZAR stated he illegally entered the United States by driving across the International Boundary with Mexico without being inspected by an Immigration Officer upon entry. ALCAZAR stated he had been previously deported from the United States and has not requested or received permission from the Attorney General of the United States or the Secretary of the Department of Homeland Security to re-enter the United States after being removed.

Executed on May 25, 2008, at 12:00 P.M.

Michael Mikuski
Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find Probable Cause to believe that the defendant named in this probable cause statement committed the offense on May 24, 2008 in violation of Title 8, United States Code, 1326.

Honorable Jan M Adler
United States Magistrate Judge

5/25/08 @ 3:39 p.m.
Date/Time